

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

CURTIS FULLER,	)	
	)	
Plaintiff,	)	Case No. 2:02-cv-182
	)	
v.	)	HON. ROBERT HOLMES BELL
	)	
JOHN J. GAMELIN,	)	
	)	
Defendants.	)	<b>ORDER DENYING MOTION</b>
	)	<b><u>FOR RECONSIDERATION</u></b>

Plaintiff Curtis Fuller, a prisoner incarcerated at the Alger Maximum Correctional Facility (LMF), filed a complaint pursuant to 42 U.S.C. § 1983. This court issued an opinion and judgment on March 25, 2005, requiring Plaintiff to pay costs. (Docket #150 and #151.) Plaintiff has filed a motion to reconsider, which the court construes as a motion filed pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. The court finds that the motion is timely. *See* FED. R. CIV. P. 60(b). Further, the court must address the motion despite the notice of appeal. *See* FED. R. APP. P. 4. After careful consideration, the court will deny the motion.

Plaintiff claims that he never received notice of the motion to tax costs, so was unable to file a response. Plaintiff now states that he is indigent and cannot pay the amount ordered. Plaintiff alleges that he has no outside support and cannot obtain a prison job to support himself. However, as noted in the opinion dated March 25, 2005, if Plaintiff is unable to pay the amount ordered in its entirety, he will be required to make monthly payments. These payments shall amount to twenty percent of the preceding month's income credited to Plaintiff's prison account, and will be forwarded to the court each time the amount in the account exceeds \$10.00.

IT IS ORDERED that Plaintiff's motion to reconsider (docket #154) be and hereby is DENIED.

Date: August 18, 2005

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE